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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 63rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 3.25 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1993/L.54, L.62 and L.70, L.71-79, L.83, L.105, L.111 and L.112)

Draft resolution on human rights and thematic procedures (E/CN.4/1993/L.54)

1. Mr. PINTER (Czech Republic), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada and the Republic of Korea, said that it was based on the text of a resolution adopted the previous year without a vote. It placed emphasis on cooperation between Governments and different thematic procedures in the form of visits and exchanges of information. In recent years, the thematic procedures had proved to be one of the most important instruments of the Commission's work.

2. The sponsors had added some new elements which improved the text and should have a positive influence on the work of various thematic procedures. They included the idea of closer cooperation between the thematic procedures and treaty-monitoring bodies as well as with country rapporteurs and the idea of improved coordination between the various thematic procedures in order to avoid duplication.

3. Draft resolution E/CN.4/1993/L.54 was adopted.

Draft resolution on the consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers (E/CN.4/1993/L.69)

4. Mr. URRUTIA (Peru), introducing the draft resolution on behalf of its sponsors, which belonged to all regional groups, said that the text was similar to that adopted in previous years and sought to make the international community aware of the devastating effects of the acts of terrorist groups and drug traffickers on the free exercise of democracy and the enjoyment of human rights.

5. He drew attention to the recommendation in the report by the Special Rapporteur on the question of mercenaries (E/CN.4/1993/18) that the United Nations organs should continue to be concerned with the topic as a matter of high priority and determine the sanctions to be applied through international and national legislation against groups that spread terror among the population.

6. Draft resolution E/CN.4/1993/L.69 was adopted.

Draft resolution on the development of public information activities in the field of human rights, including the World of Public Information Campaign for Human Rights (E/CN.4/1993/L.70)

7. Mr. TORELLA di ROMAGNANO (Observer for Italy), introducing the draft resolution on behalf of its sponsors, which had been joined by the observers for Italy, Latvia, Madagascar and Nicaragua, said that it reaffirmed that activities to improve public knowledge in the field of human rights were essential to the fulfilment of the purposes of the United Nations. It recognized several new initiatives within the Secretariat in the field of information for human rights and requested stronger efforts for the dissemination of human rights information.

8. The draft resolution requested the Secretary-General to pay particular attention, within the framework of the World Public Campaign for Human Rights, to activities aimed at disseminating information on the World Conference on Human Rights and its outcome.

9. Owing to the great importance of those issues for the development of public information activities in the field of human rights, the sponsors asked the Commission to adopt the draft resolution without a vote.

10. Mr. PEREZ NOVOA (Cuba) said that the draft resolution was a positive one. His delegation would have become a sponsor but for the fact that operative paragraph 14 made no reference to the International Federation of Red Cross and Red Crescent Societies, which had done important work in the field. His delegation would, however, join the consensus.

11. Draft resolution E/CN.4/1993/L.70 was adopted without a vote.

Draft resolution on strengthening of the rule of law (E/CN.4/1993/L.71)

12. Mr. LINDGREN ALVES (Brazil), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Kenya and Tunisia and the observers for Jamaica, Madagascar, Nicaragua and Turkey, said that the text was essentially an updated version of Commission resolution 1992/51. While other resolutions adopted by the Commission under the agenda item were similar in intent to the draft, the difference lay in their respective approaches. The other texts endeavoured to strengthen existing services and institutions, but the current text proposed a further step that would supplement existing instruments.

13. With regard to the World Conference on Human Rights, he drew attention to operative paragraph 1 of the text, which reiterated the statement in Commission resolution 1992/51 concerning the need to consider ways and means by which the United Nations could make a positive and significant contribution to the development and strengthening, by Member States, of the rule of law. In so doing, it took note of article 28 of the San José Declaration on Human Rights.

14. The sponsors believed that all members of the Commission should attach great importance to the expected contribution of the World Conference to the cause of human rights. The envisaged programme was to be established under

the guidance of the Centre for Human Rights and, wherever necessary, should be coordinated with other sections of the Secretariat.

15. Draft resolution E/CN.4/1993/L.71 was adopted.

Draft resolution on regional arrangements for the promotion and protection of human rights (E/CN.4/1993/L.72)

16. Mr. REYN (Observer for Belgium), introducing the draft resolution on behalf of the sponsors, which had been joined by the delegations of Indonesia and Kenya and the observer for the Philippines, said that the United Nations interest in the promotion and protection of human rights at the regional level was not new. Since 1982, his delegation like others which shared that viewpoint, had been continually stressing the importance of improved cooperation between the regional and international institutions concerned with the universal promotion of human rights. The draft resolution under consideration sought to encourage a continuation of that process. Furthermore, it was in line with the General Assembly resolution adopted the previous year and the Commission's most recent resolution on the subject.

17. The draft resolution was essentially designed to encourage all initiatives that promoted the exchange of information and experience between the United Nations system and the regional bodies concerned. It also endorsed the efforts made by the Centre for Human Rights to enhance cooperation between the United Nations and regional and national institutions, particularly in the field of advisory services and technical assistance, public information and education in the area of human rights.

18. Draft resolution E/CN.4/1993/L.72 was adopted.

Draft resolution on the strengthening of the Centre for Human Rights (E/CN.4/1993/L.73)

19. Mr. ILIOPOULOS (Observer for Greece), introducing the draft resolution on behalf of the sponsors, which had been joined by the delegations of Cuba and the Russian Federation and the observer for the Philippines, recalled the statement by the Secretary-General in his report on the work of the Organization for 1992 (A/47/1) that the Charter of the United Nations placed the promotion of human rights as one of its priority objectives, along with promoting development and preserving international peace and security.

20. The need to reinforce the Centre for Human Rights, as a coordinating unit within the United Nations system in the promotion and implementation of human rights, had become more obvious than ever. The dramatically increased workload of the Centre had unfortunately been crippled by a reduction in its resources, which had led to a growing inability to cope with the requirements of treaty-monitoring bodies as well as with the promising sector of advisory services.

21. The sponsors welcomed the efforts made by the new Assistant Secretary-General for Human Rights and Director of the Centre stressed that, if those efforts were not accompanied by a generous reinforcement of the

Centre's resources, the implementation of the relevant resolutions adopted by the United Nations system might be endangered.

22. Draft resolution E/CN.4/1993/L.73 was adopted by consensus.

Draft resolution on the protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) (E/CN.4/1993/L.74)

23. Mr. HAJDUK-WYKRETOWICZ (Poland), introducing the draft resolution on behalf of its sponsors, said that the purpose of Commission resolution 1992/56, had been to give expression to the need to abolish any discrimination resulting from the AIDS pandemic. The current draft resolution was simply a continuation thereof. It reminded all States of their obligation to ensure the full enjoyment of human rights by people infected with HIV or AIDS, their families and those associated with them in any way, which meant, inter alia, refraining from any discriminatory action against them.

24. The draft referred particularly to women, children and other vulnerable groups and emphasized the protection of human rights within the framework of preventive and other policies and measures adopted in the context of AIDS. It urged all States to include in their AIDS programmes measures to combat social stigmatization and discrimination and invited the human rights treaty bodies and similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments.

25. Draft resolution E/CN.4/1993/L.74 was adopted.

Draft resolution on Civil Defence Forces (E/CN.4/1993/L.75)

26. Mr. DARANOWSKI (Poland), introducing the draft resolution on behalf of its sponsors, to which the observer for Madagascar had been added, recalled that the Commission had adopted resolution 1992/57 on the same subject at its previous session, pursuant to which the Secretary-General had submitted the report contained in document E/CN.4/1993/34. The Working Group on Enforced or Involuntary Disappearances had stressed the growing importance of the worldwide phenomenon of civil defence units. There might be a clear need for the establishment of such units when public forces were unable to secure adequate protection of life or property for the civilian population.

27. The Working Group's concept of civil defence units did not include the regular police, the army or groups established to deal with natural disasters, or death squads, but was confined to units constituted originally within the law and drawn from the civilian population to assist the authorities in the maintenance of public order, called "civil defence forces" in the draft resolution before the Commission.

28. The report of the Working Group, however, also pointed out abuses of power by civil defence forces, leading to human rights violations. The right to self-defence occupied a historic place in human rights philosophy, but it could in practice give rise to serious problems. It was necessary to know what limits there were on the use of power by forces not forming part of the regular law enforcement agencies, what their legal foundations were, how

legitimate the action taken by them was, how legally permissible action was to be defined, what constituted abuse of power, and so on.

29. In 1992, the Commission had asked the Secretary-General to request Governments and intergovernmental and non-governmental organizations to provide information covering the law and practice in that regard and to comment on the relationship between civil defence forces and human rights. However, the Secretary-General's report, submitted to the Commission at its present session, needed to be supplemented if the question of the legal framework for civil defence forces was to be examined.

30. The draft resolution thus requested the Secretary-General to submit to the Commission, at its fiftieth session, a report containing a summary of any additional information and comments concerning civil defence forces and their relationship to the protection of human rights and fundamental freedoms. It also invited the special rapporteurs and working groups to pay due attention, within their respective mandates, to the matter of civil defence forces in relation to the protection of those rights and freedoms.

31. Draft resolution E/CN.4/1993/L.75 was adopted.

Draft resolution on national institutions for the promotion and protection of human rights (E/CN.4/1993/L.77)

32. Ms. WENSLEY (Australia), introducing the draft resolution on behalf of the sponsors, said that, over the past year, there had been a growing interest in the creation and strengthening of national human rights institutions. It extended across all regions and had been expressed at the African and Latin American regional human rights meetings preparatory to the World Conference, the Commonwealth Workshop on National Institutions and the Asia-Pacific Workshop on Human Rights. A number of countries had recently announced their intention to establish national institutions. Those were welcome developments in the protection of human rights at the national level. It was therefore important, as reflected in the draft resolution, that high priority be given to requests from Member States for assistance and advice from the advisory services programme at the Centre for Human Rights.

33. The forthcoming World Conference on Human Rights would provide a further substantial impetus for international cooperation in the field of national human rights institutions. In order to ensure a wide representation of national institutions at the World Conference, the draft resolution requested the Secretary-General to finance the attendance of representatives of national institutions from developing countries, and Governments and intergovernmental and non-governmental organizations were invited to contribute to a voluntary fund for that purpose.

34. The draft resolution also requested the Secretary-General to prepare a report for the World Conference on possible means of assisting the establishment and strengthening of national institutions through international

cooperation. Such a report should be of help in identifying some of the issues that would need to be dealt with to ensure tangible progress and positive results in that area.

35. Draft resolution E/CN.4/1993/L.77 was adopted.

Draft resolution on education and human rights (E/CN.4/1993/L.78)

36. Mr. RHENÁN SEGURA (Costa Rica), introducing the draft resolution on behalf of the sponsors, to which the delegation of Portugal and the observer for Madagascar had been added, said that the text recognized the enormous importance of education as a basic human right. The improvement and strengthening of international instruments for the protection of human rights should be accompanied by informal promotion and protection, in which knowledge of human rights was of fundamental significance. Formal and informal education in human rights was therefore important at all levels, as had been pointed out in the resolution on the subject adopted by the UNESCO General Conference in 1974. The draft resolution thus recommended that appropriate measures be taken to declare a decade for human rights education, incorporating a world campaign for the dissemination and knowledge of fundamental rights through education.

37. The sponsors wished to make a number of minor revisions to improve the text. The fifth preambular paragraph should be replaced by a paragraph reading: "Convinced that the promotion of literacy would contribute to a better understanding and respect for human rights". In the second line of operative paragraph 8, the words "as well as promotion of literacy programmes" should be inserted after the words "human rights education programmes". In operative paragraph 9, the entire passage following the words "a Decade for Human Rights Education" should be replaced by the words "in the light of the recommendations made by the UNESCO Conference on Human Rights and Education held at Montreal from 8 to 10 March 1993".

38. Draft resolution E/CN.4/1993/L.78 was adopted.

Draft resolution on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/1993/L.79)

39. Mr. BROTODININGRAT (Indonesia), introducing the draft resolution on behalf of the sponsors, to which the delegation of Japan had been added, said that the text was generally in line with that adopted by consensus in 1992, which stressed the importance of institution-building in the promotion and protection of human rights. In that context, the draft resolution welcomed a series of activities in the field of human rights which had taken place in the Asian and Pacific region, all of which had focused on national institutions and regional arrangements.

40. It also welcomed the interest shown by some Governments of the region in hosting an Asian-Pacific regional meeting in 1993/1994 and encouraged all States in the region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into account the various approaches and mechanisms identified in the chairman's concluding remarks at the Second Asia-Pacific workshop.

41. The draft resolution once again recognized and reaffirmed the valuable contribution made by national institutions. It took note with particular interest of the preparations for the establishment of national institutions for the promotion and protection of human rights made by several Governments in the region. The sponsors also expressed their appreciation to the Secretary-General for his report on the implementation of Commission resolution 1992/40.

42. Nevertheless, they recognized that the Asia and Pacific region had been left behind as far as the benefits of advisory services and technical assistance were concerned. The draft resolution therefore requested the Secretary-General to give adequate attention to the countries of the region to enable them to benefit from all the activities carried out under the programme of advisory services and technical assistance in the field of human rights, particularly in the light of the region's interest in developing national institutions and regional arrangements for the promotion and protection of human rights.

43. Mr. PACE (Secretary of the Commission) said that the financial implications of a three-day meeting for the Asia and Pacific region would be US$ 162,720.

44. Draft resolution E/CN.4/1993/L.79 was adopted.

Draft decision on the establishment of an emergency mechanism of the Commission on Human Rights (E/CN.4/1993/L.83) and draft resolution on internally displaced persons (E/CN.4/1993/L.105)

45. At the request of the Austrian delegation, it was decided to postpone consideration of draft decision E/CN.4/1993/L.83 and draft resolution E/CN.4/1993/L.105 until a later stage.

Draft resolution on the effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and existing international standards (E/CN.4/1993/L.111)

46. Mr. ALFONSO MARTÍNEZ (Cuba) introducing the draft resolution on behalf of the sponsors, said that the purpose of the text was to lay the foundations for a more effective functioning of the existing United Nations mechanisms in the human rights field. Reaffirming the importance of the procedures concerned, which were of universal application, the sponsors considered it necessary to draw up a kind of balance-sheet on the bodies responsible for monitoring the implementation by Member States of their legal obligations and of the progress made in incorporating non-binding international standards into their respective legislations and administrative and judicial practices, as established on the basis of existing international instruments or of recommendations by the Commission on Human Rights subsequently approved by the Economic and Social Council.

47. Information was needed on certain key elements of the institutional life of the bodies concerned, such as their mandates, the practices they followed, and how they developed their relations with Member States. That information,

which was requested in operative paragraph 2, should help to serve as a basis to enable the Commission, in 1994, to make an in-depth analysis and to put forward any appropriate recommendations to improve the performance of the bodies concerned, avoid duplication, and facilitate communication between them and the Member States and between them and the Commission itself.

48. The text had been the subject of extensive consultations with the various regional groups, as a result of which its original formulation had been substantially revised in order to achieve the highest possible degree of consensus. He therefore hoped that it would be adopted without a vote. The delegations of Burundi, Indonesia, Iran (Islamic Republic of), Kenya, Nigeria, Pakistan, Sudan and Zambia, and the Observer for Zimbabwe, wished to be added to the list of sponsors.

49. Mr. MORLAND (United Kingdom) said that, while the sponsors of the draft resolution might sincerely believe that its adoption would improve the effective functioning of the United Nations human rights machinery, his delegation profoundly disagreed. The text itself appeared to be an example of just that overlapping and duplication which it sought to prevent, since the Commission had adopted a resolution on effective functioning under item 18 of its agenda. Moreover, the proposed root-and-branch review seemed unnecessary. Most of the questions posed could be answered quite easily by consulting the existing documents.

50. The review would also add to the workload of the already overburdened staff of the Centre for Human Rights, especially since operative paragraph 3 requested that the report be added to the mound of documents already in preparation for the World Conference on Human Rights. His delegation disputed the implication that serious overlapping existed or that thematic rapporteurs had been exceeding their mandates. The mechanisms in place deserved to have the Commission's support and confidence as they stood and did not need an audit.

51. The report called for in the draft resolution seemed to be the equivalent of pulling up a plant by the roots to see whether it was healthy. Furthermore, the draft resolution was inconsistent with earlier resolutions adopted by the Commission which had commended the working groups on their methods. He hoped that his comments would persuade other delegations to vote against a well-intentioned but misconceived draft resolution.

52. Ms. WENSLEY (Australia), speaking in explanation of vote before the voting, said that her delegation intended to vote against draft resolution E/CN.4/1993/L.111 for both procedural and substantive reasons. The purported aim of the draft resolution was to improve the effective functioning of human rights machinery, but her delegation felt that it would lead to duplication and unnecessary work for the Centre for Human Rights, which was already overburdened.

53. In addition, the request for a report by the Secretary-General contained in operative paragraph 2 had already been overtaken by events, since the question of recommendations for enhancing the effectiveness of human rights machinery had already been included in the agenda for the World Conference on Human Rights and the Commission had already adopted a resolution

(E/CN.4/1993/L.34) requesting the Independent Expert to update his report on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights. The draft resolution was therefore both unnecessary and untimely, and her delegation would vote against it.

54. Mr. LINDGREN ALVES (Brazil) said that his delegation intended to vote in favour of the draft resolution on the understanding that the procedure referred to in the fourth preambular paragraph was applicable only to complaints under the confidential procedure.

55. Mr. HALINEN (Finland) said that his delegation intended to vote against the draft resolution because it would not enhance the effective functioning of the human rights machinery and, in any case, a resolution on the topic had already been adopted under the appropriate agenda item. It was also concerned that the report requested in operative paragraph 3 would place an unwarranted burden on the members of the Secretariat responsible for preparing the documentation for the World Conference on Human Rights.

56. Mr. HESSEL (France), said that his delegation intended to vote against the draft resolution because the text implied a lack of confidence in the Centre for Human Rights and in the special rapporteurs and working groups. During the current session, the Commission had frequently expressed its appreciation of the dedicated work accomplished by special rapporteurs in a variety of sectors, and had appointed new special rapporteurs and established additional working groups. It was no time to call that trust into question. In any case, the provisions of the draft resolution duplicated existing provisions, would place an unnecessary burden on the Centre for Human Rights, and would do nothing to improve the effectiveness of human rights machinery.

57. Mr. ROGOV (Russian Federation), said that his delegation regretted that the consultations on the draft resolution had been conducted very hastily. His delegation had not been consulted at all and there were no Eastern European delegations among the sponsors. His delegation agreed that the draft resolution duplicated existing provisions and would place an undue burden on the Centre for Human Rights in the run-up to the World Conference on Human Rights. It would therefore vote against it.

58. Mr. HYNES (Canada), said that, although the draft resolution dealt with important issues, it implied that there were fundamental defects in the United Nations human rights monitoring mechanisms. Those mechanisms might not be perfect, but it was not the time to call them into question. The representative of Australia had rightly pointed out that the question would figure prominently on the agenda of the World Conference on Human Rights and that the additional report requested in operative paragraph 2 would not be helpful.

59. It was crucial not to undermine the spirit of consensus and cooperation which had hitherto governed the preparations for the World Conference on Human Rights, notably at the Regional Preparatory Meetings held at Tunis and San José. His delegation would therefore vote against the draft resolution.

60. Mr. STROHAL (Austria) said that, while draft resolution E/CN.4/1993/L.111 addressed important issues, it was incomplete and ill-timed. A resolution on the effective functioning of bodies established pursuant to United Nations human rights instruments (E/CN.4/1993/L.34) had already been adopted under agenda item 18, requesting the Independent Expert to prepare an updated study on possible long-term approaches to enhancing the effective operation of human rights instruments. Moreover, many of the issues addressed in the draft resolution were the subject of regular discussion at the meetings of the chairpersons of the treaty bodies.

61. His delegation also regretted that the draft resolution failed to express appreciation of the valuable work done by the human rights experts, who were often entrusted with thankless tasks by the Commission.

62. As the representative of France had rightly pointed out, the Commission had extended various mandates and created new ones, thereby expressing its confidence in the work done by the experts. It would be a pity if that confidence were to be undermined by the implications of the draft resolution under consideration. It would also be unfortunate if the spirit of cooperation and consensus which had hitherto governed the preparation of the World Conference on Human Rights were to be undone by the draft resolution. His delegation would therefore vote against it.

63. Mr. PORTALES (Chile) said that his delegation supported the draft resolution and would vote in favour of it on the understanding that the procedure referred to in the fourth preambular paragraph was applicable only to complaints under the confidential procedure and not to complaints referred to special rapporteurs and working groups.

64. Mr. BLACKWELL (United States of America) said that his delegation intended to vote against the draft resolution since it shared the view that the result of its provisions would be to undermine the effective functioning of United Nations human rights machinery, rather than improve it.

65. At the request of the representative of the United Kingdom, a vote was taken by roll-call on draft resolution on E/CN.4/1993/L.111.

66. Tunisia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cyprus, Mauritius, Republic of Korea.

67. Draft resolution E/CN.4/1993/L.111 was adopted by 33 votes to 16, with 3 abstentions.

68. The CHAIRMAN said that draft decision E/CN.4/1993/L.112 had been withdrawn by its sponsors.

Draft resolution on the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (E/CN.4/1993/L.62/Rev.1)

69. Mrs. SILVERA NUÑEZ (Cuba), introducing the draft resolution on behalf of its sponsors, said that it was of vital importance, since compliance with the principles embodied in it by relevant United Nations bodies in the performance of their mandates would lead to a significant improvement in the work of the Organization in the human rights sector. It was vital to maintain and increase Member States' confidence in the human rights machinery on the basis of full respect for the principles and purposes of the Charter.

70. Needless to say, flagrant and large-scale human rights violations, wherever they occurred, needed to be investigated by the relevant bodies, but in dealing with an issue as sensitive as human rights, the use of selective criteria could not but undermine the Organization's credibility. If the Commission on Human Rights and its subsidiary bodies allowed themselves to be used or manipulated for political ends, their effectiveness and integrity would be called into question.

71. The draft resolution requested the Secretary-General to prepare a comprehensive report on various ways and means of promoting international cooperation and strengthening United Nations action in the field of human rights, in accordance with the principles of non-selectivity, impartiality and objectivity, while also noting that the World Conference on Human Rights was to make recommendations to ensure that those principles were observed in the consideration of human rights questions.

72. Mr. PACE (Secretary of the Commission) said that the delegations of Gabon, Indonesia and Sri Lanka and the observers for Iraq, Somalia and Yemen had become sponsors of the draft resolution.

73. Draft resolution E/CN.4/1993/L.62/Rev.1 was adopted.

74. Mr. BLACKWELL (United States of America), speaking in explanation of position on draft resolution E/CN.4/1993/L.73, said that his delegation was strongly committed to strengthening the programmes of the Centre for Human Rights aimed at assisting Governments seeking to improve their human rights record. It had launched various initiatives to encourage enhanced programmes of advisory services to assist such Governments and it appreciated the wide support they had received.

75. To enable the Centre for Human Rights to make full use of its resources, extensive management reform was needed. In that regard, his delegation

welcomed the appointment of Mr. Ibrahim Fall as Director of the Centre and called on him to prepare a report describing his plans for more effective use of the Centre's existing resources and for management reform, with particular reference to the need to implement the recommendations of the major management review conducted in 1991.

76. Mr. KHOURY (Syrian Arab Republic) said that his delegation had supported draft resolution E/CN.4/1993/L.111 because it was convinced that the report requested in the resolution would help Member States to respond to requests from the Centre for Human Rights and would serve as an important reference document, which he believed many States would welcome.

77. Mr. MWENDA (Zambia) said that his delegation supported draft decision E/CN.4/1993/L.83, even though such support was unusual from an African country in view of the fact that the Charter of the Organization of African Unity contained a provision concerning the need to refrain from interference in the internal affairs of other countries.

78. His delegation recommended that the item should be included in the agenda for the World Conference on Human Rights, with a view to developing mechanisms to distinguish between the human interest of investigating human rights abuses and the national interest of determining what constituted interference in internal affairs.

79. Mrs. SAMOYA (Burundi) said that her delegation had sponsored and voted in favour of draft resolution E/CN.4/1993/L.111, because it firmly believed that efforts should be continually made to improve the machinery for effective human rights protection.

80. Mr. CHAKRAVARTI (India) said that, although his delegation had supported draft resolution E/CN.4/1993/L.77, it was concerned about the several references made in that resolution to the "Principles relating to the status of national institutions" adopted at the International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris in November 1991. His delegation was concerned not merely by the prescriptive nature of those principles, but also by the fact that they had been adopted at a meeting to which not all United Nations members had been invited.

81. His delegation was disturbed by the increasing tendency to refer to those Principles in a manner which suggested that they had received intergovernmental approval, which was not in fact the case. When such principles or instruments were negotiated, the negotiations should take place within the framework of the United Nations and not of a limited body, as had been the case with the Principles.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/1993/61 and Add.1)

82. Mr. LITTMAN (International Fellowship of Reconciliation) said that his organization was concerned that, despite the invitation in Commission resolution 1992/80 to competent United Nations bodies such as the committee's set up under the International Covenants on Human Rights, the Committee against Torture and the Committee on the Rights of the Child to make

suggestions and proposals for the implementation of advisory services, no progress had been made towards the elimination of the cruel, physical and psychological mutilation of female excision, which was still widespread in Africa, the Middle East and to a lesser extent in Asia. That horrific ritual, which had already blighted the lives of over 100 million women, should long since have equated with torture and tackled by effective interagency coordination in the United Nations system.

83. Mr. HOURORO (Observer for Morocco) said that, in the four decades since advisory services in the field of human rights had been established, they had become part and parcel of the procedure for promoting and ensuring observance of human rights. However, their link with the system of country reports and their potential for improving that system should not be disregarded. When advisory services had been established, together with the system of periodic reports and the preparation of studies on specific rights, they had been one of the three elements of a vast programme of practical measures, General Assembly resolution 926 (X) authorized the Secretary-General to make provision for three forms of assistance: advisory services of experts; fellowships and scholarships and seminars.

84. With the entry into force of the International Covenants on Human Rights and the adoption of thematic procedures, the nature of the advisory services had changed. The current programme had added further elements such as the organization of world and regional seminars and regional and national training courses. Where fellowships were concerned, the initial intention had been to offer them to qualified candidates responsible in their countries for the promotion and protection of human rights, but it appeared that the fellowships had not always been granted to particularly qualified individuals nor had they been equitably distributed. In that respect the absence of a follow-up procedure for that programme element was regrettable. Moreover, the 1988 medium-term plan of activities had not specified the criteria for selecting fellows.

85. The 30 fellowships awarded had essentially enabled the beneficiaries to follow academic courses which, in the view of his delegation, was not the best way of developing professional expertise, even if the course was completed by one or two weeks at the Centre in Geneva, as there was no guarantee that fellows would receive suitable supervision and guidance. The training and seminar element involved considerable cost, and the idea of regionalizing it was extremely opportune. His delegation also welcomed the opportunity given to the Centre for Human Rights to set up, at the request of the States concerned, regional centres for documentation and training in human rights which would enhance the Centre's efficiency and promote the exchange of information and data at both the regional and global levels.

86. Before seeking to identify the problems that arose in respect of consultancy services, it was necessary to establish a link between the advisory services programme and development assistance. The activities of the United Nations in that regard were no proof that the link was other than an abstract one, limited to the debates on development within the Commission. The question became even more pressing when attention was turned to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, whose aim had been to provide additional financial support for

practical activities relating to the implementation of the international Conventions and other international human rights instruments. After several years of operation, it would be worth developing management procedure incorporating reports and other evaluation techniques already current in other United Nations bodies to provide a more precise and tangible appreciation of the programme's operation.

87. In spite of those shortcomings, many of which were inherent to the vast scope assigned to the advisory services, the programme was nevertheless a positive one, as any form of assistance in the field of human rights necessarily constituted progress.

88. Mr. SENE (Observer for Senegal) said that the numerous resolutions recently adopted by the Commission, and resolution E/CN.4/1993/L.111 in particular, should serve as a reminder to its members of the fundamental importance of mutual confidence and understanding and of a commitment to provide the Centre for Human Rights with the human and material means necessary for it to perform its mission of stimulating fruitful international cooperation in the service of human rights.

89. The seriousness of the issues addressed in the course of the previous five weeks was also a reminder of the responsibility borne by the international community for the defence and promotion of human rights and fundamental freedoms throughout the world. The first expression of that responsibility was the obligation upon each State which acceded to international conventions to implement them, although it also lay in the duty of the international community to ensure they were properly applied.

90. The Commission should not restrict itself to denouncing and condemning human rights violations but should strive to set up authentic policies of cooperation, technical assistance and support for efforts made by States to comply with the established rules. That was why it was important to give priority to the issue of advisory services and technical assistance for those members that requested them.

91. There were three levels of human rights protection, the national, regional and international levels. It was at the national level that human rights standards found their actual expression and, for that reason, support and assistance for national structures, whose primary aim was to disseminate, strengthen and safeguard human rights, was an overriding duty. In many cases, the inadequacies identified were not attributable to an actual desire to ignore the prescribed rules but were attributable to internal and external difficulties which hampered the implementation of international standards.

92. At the Regional Preparatory Conference for the World Conference on Human Rights, the African countries had reasserted their commitment to the principles set out in the Universal Declaration of Human Rights and the international conventions which most of them had signed. However, without substantial international solidarity in the form of increased resources for the technical assistance and advisory services provided by the Centre for Human Rights, it was impossible to expect rapid progress. The report of the Secretary-General on advisory services and technical cooperation in the field of human rights, (E/CN.4/1993/61) rightly insisted on the need to contribute

to and participate in the development of the indispensable infrastructure and framework for the implementation of the international human rights conventions.

93. His delegation also stressed the importance of the thematic programmes such as those to combat racism and racial discrimination or to eliminate the exploitation of children, which provided the international community with precise objectives and allowed it to make an annual assessment of the programmes and their requirements.

94. The Secretary-General's report also provided information on a study to investigate in depth the potential for cooperation between the Centre for Human Rights and a wide range of United Nations bodies, specialized agencies and other intergovernmental organizations. Such an approach could provide highly beneficial support for the strategies and development policies implemented by States that requested support in fields such as electoral assistance, the establishment of national institutions or the implementation of the Covenant on Economic, Social and Cultural Rights, which the Centre for Human Rights was incapable of satisfying alone, although it could play a vital coordinating role.

95. He emphasized the effective bilateral assistance provided by the industrialized countries to the countries of Africa in all spheres affecting human rights, and in particular in the field of education, as well as the assistance given to developing countries by the Agency for Cultural and Technical Cooperation, the Commonwealth secretariat and the Arab League. He urged them to develop that example of North South cooperation further, as all the proposals that had been made would remain pipe dreams in the absence of the necessary funds. He thanked all those Governments, non-governmental organizations and charities which had contributed to the Voluntary Fund in 1992 and expressed his delegation's conviction that the time had come to identify the most satisfactory means of making available to the Centre for Human Rights regular and substantial financial resources, ideally through an increase in its regular budget.

96. Mrs. MANITZAS (Andean Commission of Jurists) said that her organization was particularly disturbed by the frequent failure of the Commission to discuss persistent human rights violations under constitutional regimes and the tendency to deal with them through the advisory services of the Centre for Human Rights, which were not always adequate to the task of preventing and eliminating such practices.

97. In his report (E/CN.4/1993/61), the Secretary-General rightly noted that the provision of advisory services and technical assistance did not exempt Governments from their responsibilities with regard to persistent human rights violations. An obvious requisite for the receipt of advisory services should be a serious commitment by the Government concerned to improve the enjoyment of human rights in its country; its commitment should be subject to monitoring by an expert appointed by the Commission. If serious human rights violations persisted in the country concerned, the advisory services should be withdrawn and other machinery set in motion so as clearly to indicate the lack of a commitment by the Government concerned to improve human rights in its country.

98. In the Andean region, the Government of Colombia had been receiving advisory services from the Centre for Human Rights since 1988, thanks to funds provided by UNDP. One of the main conclusions of the assessment mission concerning those services, carried out in 1992, had been that they had been usefully employed in promotion activities, but that protection for human rights in the strict sense of the word, had been less than noteworthy. That conclusion found painful confirmation in the situation of human rights in Colombia, where 10 people had been killed every day for political motives since 1988.

99. For that reason, the assessment mission had recommended that the advisory services should focus on ensuring that the Government of Colombia satisfied fundamental requirements to ensure the protection and observance of human rights. In particular, it had recommended that decisions and resolutions of international and regional human rights agencies should be incorporated into and applied by Colombian domestic law; that the authorities should adopt severe disciplinary measures, including dismissal, against officials found guilty of serious human rights violations; that no special legislation restricting fundamental human rights and procedural guarantees should be adopted under states of emergency; that the authorities should provide greater protection for human rights activists and, lastly, that human rights violations committed by the police and army should in no case be tried by military courts.

100. If those five recommendations were adopted, paramilitary groups disbanded and a peaceful solution to the domestic armed conflict sought through dialogue, there was every reason to hope that the level of human rights violations would decline. However, in order to produce such a solution, it was necessary for the Commission on Human Rights to focus more attention on Colombia than in the past. It was unthinkable that the advisory services should allow the Government of Colombia to comply with those recommendations merely by preparing broadsheets or holding seminars, however significant they might be.

101. It would be more appropriate for the Commission to appoint an expert to advise the Colombian authorities and people on how to carry out those important tasks and to report to the Commission thereon. Such a step would contribute to averting a further deterioration of the rule of law in the region and would represent a step forwards to improving the advisory services machinery, whose effectiveness was, to say the least, questionable where cases of persistent human rights violations under constitutional regimes were concerned.

The meeting rose at 6 p.m.